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COMMITTEE ON THE RIGHTS OF THE CHILD
30th Session
Pre-sessional Working Group
4-8 February 2002

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with the consideration of the second periodic report of **Spain** (CRC/C/70/Add.9)

Part I

Under this section the State party is requested to submit in written form additional and updated information, if possible before 5 April 2002.

A. Data and statistics

While acknowledging the large quantity of statistical data provided by the State party in the Annexes to its Second periodical report which are, however, updated only up to 1998, the Committee would appreciate the submission of additional updated statistical data limited to the topics mentioned in the current List of issues.

1. Please provide disaggregated data (by gender, age, minority group, urban or rural areas) covering the period between 1999 and 2001 on:
   a) The number and percentage of children under 18 living in the State party
   b) The number and percentage of non-national children, including immigrant children

2. In light of article 4 of the Convention, please provide additional disaggregated (by gender, age and autonomous region/municipality) data, for 1999-2002, on budget allocations and trends (in percentages of the national and regional/municipality budgets) allocated to implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:
   a) Education, including pre-school, primary, secondary and special
   b) Cultural activities and investment in public leisure facilities
   c) Health care, including primary, adolescent and other child related health services
   d) Social welfare and support programmes for families
   e) Protection of children who are in need of alternative care including the support of care institutions
   f) Official development assistance contributions
   g) Juvenile justice.

3. Please provide disaggregated data (by gender, age, if possible by minority groups, urban or rural areas) covering the period 1999-2001 on the:
   a) Number of children with disabilities
   b) Number of children with disabilities living at home and in institutions
   c) Number of children with disabilities enrolled in regular education or special education systems
   d) Budget allocation in favour of children with disabilities

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4. With reference to child abuse, including sexual abuse, please provide disaggregated data (by age, gender and types of violations reported), on the:
   a) number of individual complaints received per year between 1999 and 2001
   b) number and percentage of reports which have resulted in either a court decision or other types of follow-up

5. Please provide disaggregated data on adolescent health, including on the incidence of sexually transmitted diseases (STDs), HIV/AIDS, early pregnancy, abortion, drug and alcohol abuse (including within the family), suicide, accidents and mental health concerns.

6. Please provide disaggregated data (by gender, age, urban or rural areas, and if possible by minority groups, including immigrants and the Roma) covering the period 1999-2001 on the:
   a) Rates of literacy of all under 18s
   b) Net enrolment ratio in pre-school, primary and secondary school
   c) Rate of enrolment in private schools as percentage of total enrolment
   d) Rate of children completing primary and secondary education
   e) Number and percentage of children who drop out of school
   f) The ratio of children per teachers in primary and secondary education
   g) The numbers of children per class

7. Please provide statistical data (including, where relevant, by gender, age, type of crime) covering the period between 1999 to 2001 on the:
   a) the number of juvenile courts and their location within the country
   b) number of minors who allegedly committed a crime reported to the police
   c) number of minors who were sentenced by Courts to sanctions, and the nature of sanctions (community service; detention; other types of sanctions)
   d) the number of juveniles detained and imprisoned, the location of their detention or imprisonment (e.g. police station, jail or other place) and the lengths of their detention or imprisonment, including pre-trial detention.
   e) percentage of recidivism cases

8. With reference to special protection measures please provide, and evaluate, statistical data (including by gender, age, urban/rural areas, per year) between 1999 and 2001 on the number of children:
   a) Involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of children provided with access to rehabilitation and other assistance
   b) Involved in substance abuse, and the number of children who received treatment and rehabilitative assistance.
   c) Involved in child labour (formal and informal sector)
   d) Seeking asylum and provided with refugee status, including non-accompanied minors
   e) Children belonging to minorities, including Roma children

B. General Measures of Implementation

1. Please provide further information on measures taken to implement effectively the laws recently adopted in order to ensure compliance with the Convention on the Rights of the Child, in particular Act 1/1996 on the Legal Protection of the Minor and Act 5/2000 on the Penal Responsibility of the Child.

2. Please indicate whether article 154 of the Civil code will be reviewed, as recommended in paragraph 19 of the previous Concluding observations (CRC/C/15/add.28).

3. Please explain the State party's child rights priorities under the National Plan of Action for Childhood or any other principal child rights policy or programme and whether the relevant appropriations for its implementation were allocated in the budget.

4. In the context of paragraph 12 of the Committee's recommendations (CRC/C/15/add.28) following the State party's initial report on strengthening coordination mechanisms, please provide details regarding the mandate, functions and budget of the Office for Social Action, Minors and Family.

5. In light of article 4 and the obligation to use available resources to the maximum extent, please provide additional information on measures taken to ensure the equal implementation of the rights of the Convention for children in each Autonomous region.

6. Please provide additional information on the system for data collection and whether it covers in a disaggregated way all children under 18 and all areas under the Convention.

7. Please provide additional information on how governmental institutions cooperate with non-governmental organisations, especially with reference to the participation of representatives of civil society in the design and implementation of policies and programmes for children.

Part II

Please provide copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

Part III

Under this section, the State party is to briefly (3 pages maximum) update the information provided in its report with regard to:

- new bills or enacted legislation
- new institutions
- newly implemented policies
- newly implemented programmes and projects and their scope

Part IV

The following is a preliminary list of major issues that the Committee intends to take up during the dialogue with the State party. <u>They do not require written responses</u>. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. Information about the implementation in practice (e.g., in court decisions, in decisions by administrative bodies, in developing national, regional and local policies on children's issues) of the principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and the right of the child to be heard (art. 12).

2. Analysis of progress of policies in addressing discrimination affecting, minorities (such as the Roma), children in irregular immigration situations, non-accompanied children, girls, children with disabilities and children living in rural areas, especially in the fields of education and health.

3. Progress made in assuring the child's right to be heard, including through legislation in the context of a) foster care, b) adoption, c) children's homes.

4. The situation of abuse and neglect, including sexual abuse within the family, and domestic violence. Additional information on the work carried out by the System of Social Care for Children in Social Difficulties (SASI). Strategies developed to prevent child abuse and mechanisms established to adequately assist both the victims and perpetrators of abuse. Further, the use of corporal punishment in families, schools, care and other institutions and whether alternative disciplinary measures have been developed to combat this practice.

5. Support to families in difficulty and provision of child care services to children of working parents.

6. The situation of children with disabilities, in particular their access to education and health care services and the promotion of their fullest possible social integration and individual development.

7. Progress made in improving quality of, access to, and availability of relevant facilities in, the public health system, especially in rural areas and less wealthy Autonomous regions. Mental health for children.

8. Access and provision to adolescents of information relating to physical and mental development, including education on reproductive health, STDs and HIV/AIDS and substance abuse prevention, as well as child-sensitive counselling and rehabilitation services.

9. Progress made with regard to increasing investment in education, improving the quality of education, reducing drop-out rates and ensuring equal access for all children, including children in irregular immigration situations and Roma children.

10. The situation of unaccompanied migrant children in the State party, in particular in the autonomous cities of Ceuta and Melilla

11. The situation of child labour, in particular within the family and in the agricultural sector.

12. With respect to the treatment of children in conflict with the law, issues including the implementation of the Law on Penal Responsibility of the Child of January 2000, the treatment of children in detention particularly in less wealthy Autonomous regions, and the conformity of legislation and practice in the area of juvenile justice with international juvenile justice standards.

13. The situation of Roma children.